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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,610	02/15/2001	Meghan Herbert	IEX 2047001	5695
50086	7590	04/13/2006	EXAMINER	
STERRETT, JONATHAN G				
ART UNIT		PAPER NUMBER		
		3623		

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/776,610	HERBERT ET AL.
	Examiner	Art Unit
	Jonathan G. Sterrett	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2006.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7,13-22,42-45 and 66-88 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7,13-22,42-45 and 66-88 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Summary*

1. This **Final Office Action** is responsive to applicant's amendment filed January 30, 2006. Applicant's amendment of January 30, 2006 cancelled claim 12; and amended claims 42, 66, 68 and 81. (The examiner notes that the claim identifier for Claim 66 indicates 'previously presented' however, in light of claim 66's amended limitations and arguments, the examiner interprets the actual status to be 'currently amended').

Currently **Claims 7, 13-22, 42-45 and 66-88** are pending.

### *Response to Arguments*

2. The applicant's arguments have been fully considered, but they are not persuasive.
3. The applicant objects to the number of 'Genesys references'. The examiner has clarified the position of the references used in the 103 rejections below.
4. The applicant argues that the limitations "wherein the performance statistics are displayable for the given agent and the one or more other agents in the agent's group by one or more views: on a cumulative basis across all skills and contact types, according to a given skill that the given agent possesses, and according to a given

contact type handled by the given agent;" are not addressed by the cited prior art.

The examiner respectfully disagrees.

Genesys teaches that call history can be tracked from cradle to grave and that historical activities of given agents and groups (see U1 page 1 paragraph 3) can be reported (i.e. displayed). Genesys provides a report of an individual agent and a report for a particular group (i.e. these two views meet the limitation of providing and displaying one or more views). Since these are historical reports, they are reports of the agent's performance, as noted in para 2 preceding. The examiner interprets the passage as teaching that the comprehensive reports can be generated for an agent, for a group or for a call campaign. Providing reports for a group or campaign meets the limitation of one or more views on a cumulative basis across all skills and contact types, since a group or campaign would include all skills and contact types within that group or campaign.

5. The applicant argues that the combination of references does not teach the limitation of displaying the agent and agent group performance data in one or more identified views and that no comparison is communicated between the agent and their group performance.

The examiner respectfully disagrees.

Genesys teaches (U1 para 3) that reports may be generated (i.e. views) of an agent and of a group's performance. Jacobson teaches a performance evaluation system that is reflective of a continuous improvement philosophy (page 4 item #8, i.e.

“Strive for continuous improvement”)

Although, as the applicant points out, Jacobson states **“Once the measurement system is in place, the center’s objectives, standards and deliverables must be re-evaluated regularly. They should be evaluated at least every six months to be certain that the right factors are being measured and that standards are still valid”**. However, this does not mean that agents are measured every six months, but rather that the measurement program itself (which constitutes regular measurement on behalf of the agents themselves) is evaluated at least every six months to ensure that the call center as a whole is headed in the right direction.

Jacobson’s comments regarding “charting agent performance” would not be interpreted by one of ordinary skill in the art of continuous improvement in a call center environment to comprise charting an agent’s performance on a semi-annual basis. One of ordinary skill in the art applying the ‘variance management’ techniques taught by Jacobson in a continuous improvement environment would recognize that this means charting on at least a daily basis. (The examiner notes that the phrase “continuous improvement” is derived from the Japanese system of Total Quality Management (i.e. the Toyoda Production System) and is also known in the art as the term “Kaizen”). One of ordinary skill in the art of continuous improvement would recognize that using the type of charts taught by Jacobson (i.e. SPC-type control charts since Jacobson uses the phrase “control limits”, specifically this means that Jacobson is advocating the use of X-bar and R charts) to determine variance analysis would be performing this analysis on at least a shift-by-shift basis if not a continual basis, i.e. every call is charted. No one of

ordinary skill in the art applying variance analysis (i.e. SPC control charts) would compare the performance of an individual to their group on a 6 month basis. The whole point of constructing a control chart with control limits (known in the art as the UCL and LCL, i.e. the upper and lower control limits) is to compare an individual's performance with that of the group to determine the type of variation (known in the art as "common cause variation" and "special cause variation") – i.e. Jacobson's variance analysis. Given that Genesys teaches that every call is tracked in terms of its cradle to grave history, then one of ordinary skill in the art would apply the SPC charting techniques taught by Jacobson to chart every call on an X-bar and R chart.

6. The applicant argues that the limitation "wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enable a given permission, by an agent."

However this argument is moot in view of new grounds of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 7, 13-22 and 66-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Genesys** in view of **Jooss** in view of **Jacobson** and further in view of **IEX' TotalView Analysis and Reporting** (hereinafter **IEX**).

“TotalView – analysis and reporting”, web.archive.org webpage of IEX.com, May 30, 1998, pp.1-2,  
[web.archive.org/web/19980530032330/www.iex.com/products/ccp/ttlview/REPORTIN.htm](http://web.archive.org/web/19980530032330/www.iex.com/products/ccp/ttlview/REPORTIN.htm).

The reference nomenclature for Genesys from the previous office action are maintained:

“Genesys Products – Call Concentrator”, web.archive.org webpage of Genesyslab.com, November 5, 1996, pp.1-2, hereinafter **Reference U1**.

“Genesys Products – Campaign Manager”, web.archive.org webpage of Genesyslab.com, November 5, 1996, pp.1-2, hereinafter **Reference V1**.

“Genesys Products – Products & Services DART”, web.archive.org webpage of

Genesyslab.com, June 26, 1997, pp.1-3, hereinafter **Reference X1**.

“Genesys Products – Products & Services DART Diagram”, web.archive.org

webpage of Genesyslab.com, June 26, 1997, p.1, hereinafter **Reference W1**.

“Desktop Solutions”, web.archive.org webpage of Genesyslab.com, November 5, 1996, pp.1-2, hereinafter **Reference U2**.

“Genesys Products – Products & Services Application Products”, web.archive.org webpage of Genesyslab.com, June 26, 1997, pp.1-2, hereinafter **Reference V2**.

“Genesys Products – Call Router”, web.archive.org webpage of Genesyslab.com, November 5, 1996, pp.1-2, hereinafter **Reference X2**.

**Jooss**, Ron, “Raising the Bar”, Jan 1999, Credit Union Management, 22, 1; ABI/INFORM Global, page 44, hereinafter **Jooss**.

**Jacobson**, Tom, “Reaching New Heights”, June 1999, Credit Union Management, Vol. 22, Iss. 6, p.50, 4 pages, ProQuest ID 42071489, hereinafter **Jacobson**.

The above references (References U1-V2) are from the Genesys website. Genesys offered a number of related call center products. Although the different offerings as disclosed in the references address various CTI functionalities related to call center operation and management, they are all part of a cohesive and integratable

call center CTI management offering by Genesys.

While its not clear and readily apparent that all the functionalities were provided as one packaged service or offering, these references clearly show that Genesys, as a whole, made the services available. It is old and well known in the art of call center management to integrate different software and hardware elements together to provide for the necessary infrastructure to enable agents to handle calls and to measure their performance. Therefore the Examiner submits that it would have been obvious to one of ordinary skill in the art of call center telephony to offer any permutation of these services to a customer to meet a call center's infrastructure needs, thereby meeting caller's needs and improving customer satisfaction. Therefore it would have been obvious to combine the following limitations separately as taught by the different references of Genesys as laid out below.

Regarding Claim 7, Genesys teaches:

**wherein the performance statistic comprises at least one or more of in contacts, talk time, work time, total time, available time, aux time, average handling time, average work time, average talk time, out calls, out time, system time, schedule adherence, state adherence, agent conformance, agent sales, agent revenue, agent attendance, entitlement adherence, and quality score.**

Reference V1 page 1 paragraph 5 line 5, average IB and OB call duration (i.e. average handling time).

Regarding Claim 13, Genesys teaches:

**the step of displaying further comprises selecting least one presentation characteristic of the performance statistic, the at least one presentation characteristic having at least over threshold indicator including colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines and vertical lines**

(Reference A paragraph 5 line 14, customized reports can be created from any third party reporting tool).

Official Notice is taken that it is old and well known in the art that a third party reporting tool, such as Microsoft Excel™, provides for presentation characteristics having indicators including colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines and vertical lines. These provide easy to see threshold indicators in graphs and charts.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing detailed tracking of individual and group performance measures in a call center by call type and skill, to include the step of providing for presentation characteristics having indicators including colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines and vertical lines, because it would provide easy to see threshold indicators in graphs and charts.

**Claim 14** recites similar limitations to those addressed in **Claim 13** above, and therefore it is rejected under the same rationale.

Regarding **Claims 15 and 16**, Genesys teaches selecting at least one presentation characteristic of the performance data, the at least one presentation characteristic having at least an over threshold limit, as per **Claim 15**, and an under threshold limit, as per **Claim 16**, including at least one percent difference or an absolute difference. Genesys teaches reporting performance statistics and comparing performance results with other groups (Reference A paragraph 3 line 10, agents can compare their performance statistics with that of their group). It is old and well known in the art of comparing statistics in presentation, i.e. graph, table or chart format, to use either a difference or percent difference comparison to a threshold value, whether that threshold be over limit, as per **Claim 15**, or under limit as per **Claim 16**.

Regarding **Claim 17**, Genesys teaches the step of collecting and updating the performance data periodically.

(Reference B paragraph 2 line 2-3, historical record for each call created; Reference A paragraph 4 line 12-13, performance results updated and can be monitored in real time).

Regarding **Claim 18**, Genesys teaches:

**wherein the agent is performing in at least of a call center.**

(Reference A paragraph 3 line 9, agents working in call center).

Regarding **Claim 19**, Genesys teaches:

**the step of allowing the agent to enter preferences of the agent, the preferences comprising selecting the comparison method.**

(Reference A paragraph 4 line 9-10, agents empowered to monitor their own performance and compare it to statistics for their group).

Regarding **Claim 20**, Genesys teaches:

**the step of allowing the agent to enter preferences of the agent, the preferences comprising selecting the comparison method.**

(Reference A paragraph 4 line 9-10, agents empowered to monitor their own performance and compare it to statistics for their group; Reference B paragraph 7 line 12-13, third part software allows creating of customized reports), **wherein the comparison method comprises at least one of no difference, difference, and percent difference.**

Genesys teaches that agents can create their own reports using reporting tools such as Microsoft Excel™ to create reports. It is old and well known in the art for Excel™ to create reports that comprise a comparison method of no difference, difference and percent difference.

Regarding **Claim 21**, Genesys teaches:

**the step of allowing the agent to select the form of the communication, the form comprising a textual display, graphical display, a bar chart and a line chart**

(Reference A paragraph 4 line 9-10, agents empowered to monitor their own performance and compare it to statistics for their group; Reference B paragraph 7 line 12-13, third part software allows creating of customized reports). Genesys teaches that agents can create their own reports using reporting tools such as Microsoft Excel™ to create reports.

It is old and well known in the art for Excel™ to create reports that comprise a textual display, graphical display, a bar chart and a line chart.

Regarding **Claim 22**, Genesys teaches:

**the step of allowing supervisor to select the form of the communication, the form comprising a textual display, graphical display, a bar chart and a line chart.**

(Reference A paragraph 4 line 2-3, 9-10, managers can empower agents to monitor their own performance and compare it to statistics for their group; Reference B paragraph 7 line 12-13, third part software allows creating of customized reports). Genesys teaches that managers can create their own reports using reporting tools, such as Microsoft Excel™, to create reports.

It is old and well known in the art for Excel™ to create reports that comprise a textual display, graphical display, a bar chart and a line chart.

Regarding **Claim 66**, Genesys teaches:

**a computer;**

Reference W1, "DB server" is a computer.

**one or more contact servers coupled to the computer for providing performance data to the computer;**

Reference W1, "T-Server" is a contact server for providing call center performance data to the DB server.

**one or more agent workstations coupled to the computer via a network for providing the agent with an interface to the computer;**

Reference U2 page 1 paragraph 4 line 2-4, various industry interfaces are provided to the performance database.

Reference U2 page 1 paragraph 4 line 5-8, any number of agents can be provided with historical data from applications residing on their desktop.

**one or more supervisor workstations coupled to the computer via the network for providing a supervisor with an interface to the computer;**

Reference U2 page 1 paragraph 4 line 2-4, various industry interfaces are provided to the performance database.

Reference U2 page 1 paragraph 4 line 5-8, any number of supervisors can be provided with historical data from applications residing on their desktop.

**wherein the computer is configured to allow the supervisor to configure the access and presentation of the performance data to the agent;**

Reference X1 page 2 line 4, system writes to all standard databases.

Reference U2 page 1 paragraph 4 line 5-7, applications can be written allowing tracking (i.e. configuring the access and presentation) of the agent's performance data. This data can be provided to anyone on the system deemed necessary by the particular business needs. –see also Reference V2 page 2 paragraph 1 line 1-7, Genesys Agent View utilizes this database to provide performance data to the agent and the supervisor.

**wherein the computer is configured to allow the agent to configure the presentation of the performance data to the agent;**

Reference X1 page 2 line 4, system writes to all standard databases.

Reference U2 page 1 paragraph 4 line 5-7, applications can be written allowing tracking (i.e. configuring the access and presentation) of the agent's performance data. This data can be provided to anyone on the system deemed necessary by the particular business needs. –see also Reference V2 page 2 paragraph 1 line 1-7, Genesys Agent View utilizes this database to provide performance data to the agent and the supervisor.

**wherein the performance data comprises performance data of a plurality of the agent, a management unit, an agent group, and a peer group;**

Reference V2 page 2 paragraph 1 line 1-7, Genesys agent view utilizes this database to provide performance data to the agent and the supervisor. This data is for the agent and for the agent's group.

**wherein the performance data is displayable for a given agent and at least one or more other agents in an agent's management units, agent group or peer group by one or more views: on a cumulative basis across contact types**

**according to a given contact type handled by the given agent.**

Reference X2 page 1 paragraph 4 line 6, Skill-based routing is provided so that calls are identified as pertaining to particular skill sets.

Reference U1 page 1 paragraph 2 line 1-4, each call is tracked "cradle to grave" as it comes into the call center, including where it is routed to based on the necessary skills required to answer the call. The data gathered from each call is stored in a database.

Reference X1 page 2 line 12, historical data collected of agent and agent group activity.

Reference V1 page 1 paragraph 5 line 3, calls by type (i.e. contact type) by agent tracked.

Reference U1 page 1 paragraph 4 line 1-4, database reporting tools allow all historical call data, including by agent for call type and skills, to be reported

Genesys teaches routing calls based on the skills required and tracking all calls from 'cradle to grave'.

Genesys does not explicitly teach providing a view of performance data according to a view based on skills. However since Genesys teaches routing calls based on skills and ensuring that agents are properly utilized (i.e. neither too busy or idle – see Reference V1 paragraph 3 line 8-9) it would be obvious to view performance according to agent skill level as evidenced by Jooss.

Jooss teaches the importance of measuring service levels (i.e. performance data) according to the skill levels associated with particular call center agents and groups (page 46 column 2-3 paragraph 6).

Jooss teaches that measurement of marketing promotions is tied to skill levels of call center employees and thus it is important to determine the service level of the marketing promotion by measuring the service level of the group having the skills to perform the promotion.

Both Jooss and Genesys address the management of call center operations, and thus both Jooss and Genesys are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Genesys regarding providing tracking of agent and agent group performance according to call type, to include the step of providing tracking of both type of call and agent skill, as taught by Jooss, because it would provide a way to measure the effectiveness of marketing programs by measuring the performance of those agents having the necessary skill to execute the marketing program.

Genesys and Jooss do not teach:

**the step of displaying includes communicating a comparison between the**

**the performance of the given agent and the performance of the agent group, the comparison being communicated as at least one of a difference, a percent difference, and no difference.**

Jacobson teaches:

**the step of displaying includes communicating a comparison between the performance of the given agent and the performance of the agent group, the comparison being communicated as at least one of a difference, a percent difference, and no difference.**

Page 3 paragraph 3 line 1-4, the charts provided for the variance analysis determine whether a agent's key performance metric falls outside of a range, i.e. communicating a difference between the performance of the agent and that of a group.

Jacobson, Jooss and Genesys address measuring performance in a call center, thus Jacobson, Jooss and Genesys are analogous art.

Jacobson teaches that applying variance management enables resources to be more effectively utilized in improving performance in a call center (page 3 paragraph 2 line 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing

detailed tracking of individual and group performance measures in a call center, to include communicating the difference between an agent's performance metric and that of a group, as taught by Jacobson, because it would provide a more efficient utilization of resource by highlighting individuals most in need of management attention.

Genesys, Jooss and Jacobson do not teach:

**Wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent.**

IEX teaches:

**Wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent.**

Page 1 para 6, multilevel password security is provided for accessing call center performance data, including for persons and groups.

It is old and well known in the art to use password security to limit access to employees with a right to access, including supervisors and their designees, so that unauthorized employees cannot access other employee's performance data.

Genesys, Jooss, Jacobson and IEX address measuring performance in a call center, thus IEX, Jooss, Jacobson and Genesys are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the invention of Genesys, Joos and Jacobson, regarding providing detailed tracking and determination of individual and group performance measures in a call center, to include limiting access to employee and group performance data to a supervisor or their designee, as taught by IEX, because it would prevent unauthorized employees from accessing other employee's performance data.

Regarding **Claim 67**, Genesys teaches:

**wherein the performance data comprises at least one or more of** in contacts, **talk time**, work time, total time, available time, aux time, average handling time, average work time, average talk time, out calls, out time, system time, schedule adherence, state adherence, agent conformance, agent sales, agent revenue, agent attendance, entitlement adherence, and quality score.

Reference V1 page 1 paragraph 5 line 4, total time agent spent on phone.

Regarding **Claim 68**, Genesys teaches:

**as contacts are handled, generating at least one performance statistic for a given agent and for one or more other agents in the agent's group for a given time period that includes at least one daily period; and displaying the given agent's performance statistic and the performance statistic for one or more other agents in the agent's group for the at least one daily period,**

Reference V1 page 1 paragraph 5 line 1-5, agent and agent group statistics are provided.

Reference U1 page 1 paragraph 2 line 1-5, calls are tracked from beginning to end and all activity associated with handling the call is recorded.

Reference W1 page 1 Item#1, the data records for calls are provided for any time period, including daily, through user-defined formatting and reporting (i.e. displayed).

**wherein the performance statistics are displayable for a given agent and at least one or more other agents in an agent's management units, agent group or peer group by one or more views: on a cumulative basis across contact types according to a given contact type handled by the given agent.**

Reference X2 page 1 paragraph 4 line 6, Skill-based routing is provided so that calls are identified as pertaining to particular skill sets.

Reference U1 page 1 paragraph 2 line 1-4, each call is tracked "cradle to grave" as it comes into the call center, including where it is routed to based on the necessary skills required to answer the call. The data gathered from each call is stored in a database.

Reference X1 page 2 line 12, historical data collected of agent and agent group activity.

Reference V1 page 1 paragraph 5 line 3, calls by type (i.e. contact type) by agent and agent group are tracked – paragraph 5 contains some representative statistics tracked for agents and agent groups.

Reference U1 page 1 paragraph 4 line 1-4, database reporting tools allow all historical call data, including by agent for call type and skills, to be reported

Genesys teaches routing calls based on the skills required and tracking all calls from 'cradle to grave'.

Genesys does not explicitly teach providing a view of performance data according to a view based on skills. However since Genesys teaches routing calls based on skills and ensuring that agents are properly utilized (i.e. neither too busy or idle – see Reference V1 paragraph 3 line 8-9) it would be obvious to view performance according to agent skill level as evidenced by Jooss.

Jooss teaches the importance of measuring service levels (i.e. performance data) according to the skill levels associated with particular call center agents and groups (page 46 column 2-3 paragraph 6).

Jooss teaches that measurement of marketing promotions is tied to skill levels of call center employees and thus it is important to determine the service level of the marketing promotion by measuring the service level of the group having the skills to perform the promotion.

Both Jooss and Genesys address the management of call center operations, and thus both Jooss and Genesys are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the teachings of Genesys regarding providing tracking of agent and agent group performance according to call type, to include the step of providing tracking of both type of call and agent skill, as taught by Jooss, because it would provide a way to measure the effectiveness of marketing programs by measuring the performance of those agents having the necessary skill to execute the marketing program.

Genesys and Joos do not teach:

**the step of displaying includes communicating a comparison between the performance of the given agent and the performance of the agent group, the comparison being communicated as at least one of a difference, a percent difference, and no difference.**

Jacobson teaches:

**the step of displaying includes communicating a comparison between the performance of the given agent and the performance of the agent group, the comparison being communicated as at least one of a difference, a percent difference, and no difference.**

Page 3 paragraph 3 line 1-4, the charts provided for the variance analysis determine whether a agent's key performance metric falls outside of a range, i.e. communicating a difference between the performance of the agent and that of a group.

Jacobson, Jooss and Genesys address measuring performance in a call center, thus Jacobson, Jooss and Genesys are analogous art.

Jacobson teaches that applying variance management enables resources to be more effectively utilized in improving performance in a call center (page 3 paragraph 2 line 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing detailed tracking of individual and group performance measures in a call center, to include communicating the difference between an agent's performance metric and that of a group, as taught by Jacobson, because it would provide a more efficient utilization of resource by highlighting individuals most in need of management attention.

Genesys, Jooss and Jacobson do not teach:

**Wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent.**

IEX teaches:

**Wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent.**

Page 1 para 6, multilevel password security is provided for accessing call center

performance data, including for persons and groups.

It is old and well known in the art to use password security to limit access to employees with a right to access, including supervisors and their designees, so that unauthorized employees cannot access other employee's performance data.

Genesys, Jooss, Jacobson and IEX address measuring performance in a call center, thus IEX, Jooss, Jacobson and Genesys are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Genesys, Joos and Jacobson, regarding providing detailed tracking and determination of individual and group performance measures in a call center, to include limiting access to employee and group performance data to a supervisor or their designee, as taught by IEX, because it would prevent unauthorized employees from accessing other employee's performance data.

Regarding **Claim 69**, Genesys teaches:

**wherein one or more agent groups comprise one or more management units, and wherein the performance statistics are displayable for the given agent and the one or more other agents in the agent's group and management unit.**

Reference V1 page 1 paragraph 5, performance statistics for agents and agent groups (i.e. management unit) are displayable.

Regarding **Claim 70**, Genesys teaches:

**the step of displaying the given agent's performance statistic relative to the performance statistic for one or more other agents in the agent's group and management unit,**

Reference V1 page 1 paragraph 5, performance statistics for agents and agent groups (i.e. management unit) are displayable

Genesys does not teach the above:

**for each of two or more daily periods within the given time period.**

Jooss teaches that there are two periods within a weekly schedule (i.e. given time period) that are of importance to call center operations – Mondays and Fridays. Jooss teaches that some businesses take a lot of calls on Mondays and Fridays (Page 47 column 2 paragraph 1 line 1-3).

Jooss teaches that taking into account daily periods in managing call center workload is important (page 47 column 1 paragraph 5 line 5-7).

Both Jooss and Genesys address the management of call center operations, and thus both Jooss and Genesys are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Genesys regarding providing agent and agent group performance statistics, to include the step of providing those statistics for each of two daily periods within a given time period, as taught by Jooss, because it would enable call center management to better manage the varying call load experienced by a call center.

Regarding Claim 71, Genesys and Jooss do not teach:

**the step of displaying the given agent's performance statistic relative to the performance statistic for one or more other agents in the agent's group and management unit for an aggregate number of daily periods within the given time period.**

Jacobson teaches:

**the step of displaying the given agent's performance statistic relative to the performance statistic for one or more other agents in the agent's group and management unit for an aggregate number of daily periods within the given time period.**

Page 3 paragraph 3 line 1-4, the charts provided for the variance analysis determine whether a agent's key performance metric falls outside of a range, i.e the agent's performance statistic is displayed relative to the statistic for the group –i.e. one or more agents, for an aggregate number of daily periods.

Page 3 paragraph line 1-4, Agents who exceed the variance band are highlighted to determine if they are really performing as well as indicated, and if so, what key characteristics are lending to their performance.

Jooss, Jacobson and Genesys address measuring performance in a call center, thus Jooss, Jacobson and Genesys are all analogous art.

Jacobson teaches that applying variance management enables resources to more effectively utilized in improving performance in a call center (page 3 paragraph 2 line 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing detailed tracking of individual and group performance measures in a call center by call type and skill, to include the step of displaying the given agent's performance statistic relative to the performance statistic for one or more other agents in the agent's group and management unit for an aggregate number of daily periods within the given time period, because it would provide a more efficient utilization of resource by highlighting individuals most in need of management attention.

Regarding **Claim 72**, Genesys and Jooss do not teach:  
**wherein the views are represented in a hierarchy.**

Official Notice is taken that it is old and well known in the art of displaying data to display views in a hierarchy. This provides for an efficient means to organizing the data according to how various data elements are related to each other in a hierarchy.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing detailed tracking of individual and group performance measures in a call center by call type and skill, to include the step of displaying the views in a hierarchy, because it would provide an efficient means to organizing the data according to how various data elements are related to each other.

Regarding **Claim 73**, Genesys teaches:

**configuring an appearance of the performance statistic for the given agent.**

Reference W1 Item #1, user defined formatting and reporting provides for configuring an appearance of the performance statistic for the given agent— see also Reference V1 page 1 paragraph 5 line 1-5 statistics tracked and recorded for agents and agent groups.

Regarding **Claim 74**, Genesys teaches:

**configuring an appearance of the performance statistic for the one or more other agents in the agent's group.**

Reference W1 Item #1, user defined formatting and reporting provides for configuring an appearance of the performance statistic for the one or more agents in the agent's group – see also Reference V1 page 1 paragraph 5 line 1-5 statistics tracked and recorded for agents and agent groups.

Regarding **Claim 75**, Genesys and Jooss do not teach:

**wherein the appearance of the performance statistic for the one or more other agents in the agent's group is configured as a function of a value of the performance statistic with respect to the value of the performance statistic of the given agent.**

Jacobson, as discussed above, teaches highlighting individuals who are performing either above or below a variance band for a given performance statistic by identifying their specific performance statistic.

Jooss, Jacobson and Genesys address measuring performance in a call center, thus Jooss, Jacobson and Genesys are all analogous art.

Jacobson teaches that applying variance management enables resources to more effectively utilized in improving performance in a call center (page 3 paragraph 2 line 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing detailed tracking of individual and group performance measures in a call center by call type and skill, to include the step of displaying the given agent's performance statistic relative to the performance statistic for one or more other agents in the agent's group and management unit for an aggregate number of daily periods within the given time period, because it would provide a more efficient utilization of resource by highlighting individuals most in need of management attention.

Jacobson does not explicitly teach configuring the performance statistic of the agent based on its value, however official notice is taken that it is old and well known in the art of charting to configure the appearance of a performance statistic based on its value. A good example of this is highlighting a performance statistic on an X-bar and R chart when the statistic is outside a particular variance. This enables others to more visibly see that a particular statistic is outside of normal bounds.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys, Jooss and Jacobson, to include the step of configuring a performance statistic according to its value, because it would easily and more visibly highlight those statistics whose value is outside a particular variance.

Regarding **Claim 76**, Genesys teaches:

**wherein the appearance of the performance statistic is configurable by a given entity.**

Reference W1 Item #1, user defined formatting and reporting provides for configuring an appearance of the performance statistic for the one or more agents in the agent's group – see also Reference V1 page 1 paragraph 5 line 1-5 statistics tracked and recorded for agents and agent groups.

Regarding **Claim 77**, Genesys teaches:

**wherein the performance statistic is configurable by a given entity.**

Reference W1 Item #1, user defined formatting and reporting provides for configuring the performance statistic for the one or more agents in the agent's group – see also Reference V1 page 1 paragraph 5 line 1-5 statistics tracked and recorded for agents and agent groups. The performance statistic is configurable by a call center administrator (i.e. given entity).

Regarding **Claim 78**, Genesys does not teach:

**wherein the given entity is one of an agent or a supervisor.**

Jacobson suggests where the performance statistic is configurable by a given entity. Jacobson teaches that management should graph an agent's performance

statistic to determine if the agent performance falls within a particular range (i.e. variance management). The identification of an agent falling outside of a specified range would include configuring the agent's performance statistic.

Jooss, Jacobson and Genesys address measuring performance in a call center, thus Jooss, Jacobson and Genesys are all analogous art.

Jacobson teaches that applying variance management enables resources to more effectively utilized in improving performance in a call center (page 3 paragraph 2 line 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jooss, regarding providing detailed tracking of individual and group performance measures in a call center by call type and skill, to include the step of having the agent or a supervisor configure the appearance of the performance statistic, because it would make the identification of the performance statistic more visible.

Regarding **Claim 79**, Genesys teaches:

**wherein at least one daily period is a current day.**

Reference U1 page 1 paragraph 2 line 1-7, call historian records call history in real time (i.e. as it occurs).

Reference U1 page 1 paragraph 5 line 2, periodic analysis of call management success, i.e. periodic tracking of calls, includes for where the daily period is a current day.

Regarding **Claim 80**, Genesys teaches:

**wherein the performance statistic for one or more other agents in the agent's group is an average value.**

Reference V1 page 1 paragraph 5 line 5, average outbound and inbound call duration is an average value – this statistic is for one or more other agents in the agent's group.

**Claims 81-88** recite limitations similar to those addressed by the rejection of **Claims 7, 13-22 and 66-80** above, and are therefore rejected under the same rationale.

9. **Claims 42-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Genesys** in view of **Jacobson** in view of **IEX' TotalView Analysis and Reporting** (hereinafter **IEX**).

**"TotalView – analysis and reporting",** web.archive.org webpage of IEX.com, May 30, 1998, pp.1-2,  
[web.archive.org/web/19980530032330/www.iex.com/products/ccp/ttlview/REPORTIN.htm](http://web.archive.org/web/19980530032330/www.iex.com/products/ccp/ttlview/REPORTIN.htm).

Regarding **Claim 42**, Genesys teaches:

**collecting periodically the one or more performance statistics for the agent and one or more peer groups;**

Reference U1 page 1 paragraph 2 line 1-3, call center calls are recorded as they are made and input into a database. This data is collected periodically to measure call management success (see paragraph 5 line 2).

**calculating one or more performance statistics of the peer group and a respective performance statistic of the agent;**

Reference V1 page 1 paragraph 5 line 2, Agent and Agent Group Statistics include calculating an overdial percentage as well as other statistics (see lines 1-5).

Genesys does not teach calculating a percentage difference in performance between an agent and a group, however Official Notice is taken that it is old and well known in the art to compare performances by calculating a percentage difference. Calculating a percentage difference provides a way to normalize performance measures so that comparisons between individuals can be made.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Genesys regarding providing various performance measures for call center agents, to include calculating a performance metric percentage difference between an agent and their respective group, because it would provide an

easy and well known way to determine how well an agent was performing.

Genesys does not teach:

**determining whether the percentage difference between each of the one or more performance statistics of the peer group and the respective performance statistic of the agent exceeds an over threshold;**

**presenting the respective performance statistic of the peer group in a first state in response to a determination that the percentage difference between the respective performance statistic of the peer group and the performance statistic of the agent exceeds the over threshold;**

**determining whether the percentage difference between each of the one or more performance statistics of the peer group and the respective performance statistic of the agent is less than an under threshold, and**

**presenting the respective performance statistic of the peer group in a second state in response to a determination that the percentage difference between the respective performance statistic of the peer group and the performance statistic of the agent is less than the under threshold.**

Jacobson teaches:

**determining whether the percentage difference between each of the one or more performance statistics of the peer group and the respective performance statistic of the agent exceeds an over threshold;**

Page 3 paragraph 3 line 1-4, the charts provided for the variance analysis determine whether a agent's key performance metric falls outside of a range, including a percentage over a threshold.

**presenting the respective performance statistic of the peer group in a first state in response to a determination that the percentage difference between the respective performance statistic of the peer group and the performance statistic of the agent exceeds the over threshold;**

Page 3 paragraph line 1-4, Agents who exceed the variance band are highlighted to determine if they are really performing as well as indicated, and if so, what key characteristics are lending to their performance.

**determining whether the percentage difference between each of the one or more performance statistics of the peer group and the respective performance statistic of the agent is less than an under threshold, and**

Page 3 paragraph 3 line 1-4, the charts provided for the variance analysis determine whether a agent's key performance metric falls outside of a range, including a percentage under a threshold

**presenting the respective performance statistic of the peer group in a second state in response to a determination that the percentage difference between the respective performance statistic of the peer group and the performance statistic of the agent is less than the under threshold.**

Page 3 paragraph line 1-4, Agents who fall beneath the variance band are highlighted to determine what can be done to improve their performance.

Both Jacobson and Genesys address measuring performance in a call center, thus both Jacobson and Genesys are analogous art.

Jacobson teaches that applying variance management enables resources to more effectively utilized in improving performance in a call center (page 3 paragraph 2 line 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Genesys, regarding providing detailed tracking of individual and group performance measures in a call center, to include determining when individual performance metrics exceed or fall beneath a group standard and presenting those metrics, as taught by Jacobson, because it would provide a more efficient utilization of resource by highlighting individuals most in need of management attention.

Genesys and Jacobson do not teach:

**Wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent.**

IEX teaches:

**Wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent.**

Page 1 para 6, multilevel password security is provided for accessing call center performance data, including for persons and groups.

It is old and well known in the art to use password security to limit access to employees who have a right to access, including supervisors and their designees, so that unauthorized employees cannot access other employee's performance data.

Genesys, Jacobson and IEX address measuring performance in a call center, thus IEX, Jacobson and Genesys are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Genesys and Jacobson, regarding providing detailed tracking and determination of individual and group performance measures in a call center, to include limiting access to employee and group performance data to a supervisor or their designee, as taught by IEX, because it would prevent unauthorized employees from accessing other employee's performance data.

Regarding **Claim 43**, Genesys and Jacobson both teach the use of graphs and charts as performance tools for highlighting and improving agent performance in a call center.

Genesys and Jacobson do not teach:

**wherein the first state comprises at least one of colors, fonts, italicizing, reverse printing, bolding, underlining, background patterns, shading, cross-hatching, diagonal lines, horizontal lines, vertical lines, pop-up windows, and sounds.**

However, Official Notice is taken that the use of colors, background patterns, shading, cross-hatching and diagonal lines to highlight and accentuate charts is old and well known in the art of graphing. These serve to make graphs and charts more visually appealing and easy to read.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jacobson, regarding providing charts to highlight agent performance in a call center, to use various graphical techniques on those charts highlight various features, because it would make the chart more visual appealing and easier to read.

Regarding **Claim 44**, Genesys and Jacobson both teach the use of graphs and charts as performance tools for highlighting and improving agent performance in a call center.

Genesys and Jacobson do not teach:

**wherein the second state comprises at least one of colors, fonts, italicizing,**

**reverse printing bolding, underlining, background patterns, shading, cross-hatching, diagonal lines, horizontal lines, vertical lines, pop-up windows, and sounds.**

However Official Notice is taken that the use of colors, background patterns, shading, cross-hatching and diagonal lines to highlight and accentuate charts is old and well known in the art of graphing. These serve to make graphs and charts more visually appealing and easy to read.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Genesys and Jacobson, regarding providing charts to highlight agent performance in a call center, to use various graphical techniques on those charts highlight various features, because it would make the chart more visual appealing and easier to read.

Regarding **Claim 45**, Genesys teaches:

**the step of allowing a user to select the format of the presentation, the format comprising at least one of a textual display, a graphical display, a bar chart, a line chart, audio, and multimedia.**

Reference W1 Item 1, "User defined formatting and reporting" would include the user selecting the format of the presentation of data.

Reference X1 page 2 paragraph 1 line 1, Genesys integrates with all standard

databases. These databases would include providing a user with the capability of selecting a format for displaying data.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6249715 by Yuri discloses a method for optimizing work distribution based on employee performance.

US 6636598 by Thomson discloses a system for distributing transactions to agents.

US 5909669 by Havens discloses a system for generating a knowledge worker productivity assessment.

US 5299260 by Shaio discloses a telephone call handling system.

US 6959078 by Eilbacher discloses a method for monitoring factors in a call center.

US 2002/0067822 by Cohen discloses a call selection system based on skill levels in a call center.

US 6744877 by Edwards discloses a method for enterprise service balancing.

US 6188992 by French discloses a system for comparing employee performance against a standard.

US 6324274 by Akester discloses a system for managing a user profile to route calls in a service center.

US 6404883 by Hartmier discloses a system for providing call statistics in real time.

US 6366666 by Bengtson discloses a method for performance measuring in a call center.

US 6584192 by Augusta discloses a method for skills based call routing.

Frieseh, Brandon; Jainschigg, John; "Business Neurology 101", June 1999, Computer Telephony, San Francisco, Vol. 7, Iss. 6, p.58, ProQuest ID 42275473.

Leamon, Paul; "Workforce Management with skills-based routing: The New Challenge", March 1999, Call Center Solutions, 17, 9; ABI/INFORM Global, p. 88-93.

Business Editors/High Tech Writers CTI Expo Fall 99, "IEX Call Center Products Garner Product of the Year Honors from Industry Publications", Dec 8, 1999, p.1, ProQuest ID 46983010.

The following articles are from the web archive of the assignee's products for sale prior to the instant application for invention. In many cases the product is more than one year prior to the application file date.

"TotalView – Advantages", web.archive.org webpage of IEX.com, May 30, 1998, pp.1-2,

[web.archive.org/web/19980530032401/www.iex.com/products/ccp/ttlview/advantag.htm](http://web.archive.org/web/19980530032401/www.iex.com/products/ccp/ttlview/advantag.htm)

"Paul Leamon Article", web.archive.org webpage of IEX.com, February 2, 1999, pp.1-5, [web.archive.org/web/19990202025717/www.iex.com/paulskill.htm](http://web.archive.org/web/19990202025717/www.iex.com/paulskill.htm).

"Workforce Management", web.archive.org webpage of IEX.com, May 8, 1999, pp.1-7, [web.archive.org/web/19990508063208/www.iex.com/support/workforc.htm](http://web.archive.org/web/19990508063208/www.iex.com/support/workforc.htm).

"IEX Corporation - Products", web.archive.org webpage of IEX.com, February 3, 1999, p.1, [web.archive.org/web/19990203180809/www.iex.com/products/default.htm](http://web.archive.org/web/19990203180809/www.iex.com/products/default.htm).

"Article Listing", web.archive.org webpage of IEX.com, May 4, 1999, p.1, [web.archive.org/web/19990504013045/www.iex.com/Articles+-+SBU3/articlelist.htm](http://web.archive.org/web/19990504013045/www.iex.com/Articles+-+SBU3/articlelist.htm).

"Special to Telemarketing Magazine", [web.archive.org webpage of IEX.com](http://web.archive.org/web/19990508061346/www.iex.com/support/special.htm), May 8, 1999, pp.1-3,  
[web.archive.org/web/19990508061346/www.iex.com/support/special.htm](http://web.archive.org/web/19990508061346/www.iex.com/support/special.htm).

"TotalView – Real Time Adherence", [web.archive.org webpage of IEX.com](http://web.archive.org/web/19980530032348/www.iex.com/realtime.htm), May 30, 1998, pp.1-3, [web.archive.org/web/19980530032348/www.iex.com/realtime.htm](http://web.archive.org/web/19980530032348/www.iex.com/realtime.htm).

"TotalView – Scheduling", [web.archive.org webpage of IEX.com](http://web.archive.org/web/19980530032305/www.iex.com/products/ccp/ttlview/schedule.htm), May 30, 1998, p.1,  
[web.archive.org/web/19980530032305/www.iex.com/products/ccp/ttlview/schedule.htm](http://web.archive.org/web/19980530032305/www.iex.com/products/ccp/ttlview/schedule.htm).

"6.3.2 What are Variables Control Charts", NIST.gov article, available from [www.itl.nist.gov/div898/handbook/pmc/section3/pmc32.htm](http://www.itl.nist.gov/div898/handbook/pmc/section3/pmc32.htm), pp.1-5; this article details the history of the X-bar and R chart (i.e. control charts) as being originally developed by Dr. Walter Shewhart during the 1920's.

"Chapter 3 Part II Class Problem 2", Management and Accounting Web problem adapted from the textbook: Boot, JCG; Cox; EB; "Statistical Analysis for Managerial Decisions", 1970, McGraw-Hill, p549.

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JGS*  
JGS 4-6-2006

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SUSANNA M. DIAZ  
PRIMARY EXAMINER

*Ar3623*